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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

As the below named inventor(s), I/we declare that:

Attorney Docket No.	0229.99
First Inventor	Linda S. Thomashow et al.
Title	Sequences Encoding PhzO and Methods
Express Mail No. / Mailing Date	EF408136186US Dec. 13,2001

This declaration is directed to:		COP Y	
[] The attached application, or		,	
[X] Application No. <u>09/965,175</u> ☐ as amended on			
I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;			
I/ we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;			
I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and			
All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.			
FULL MANE OF INVENTORIO			
FULL NAME OF INVENTOR(S)			
FULL NAME OF INVENTOR(S) Inventor one: LINDA S. THOMASHOW			
Inventor one: LINDA S. THOMASHOW Signature: Lynda J Thomashow	Citizen of: _	US	
Inventor one: LINDA S. THOMASHOW	Citizen of: _	US	
Inventor one: LINDA S. THOMASHOW Signature: Linda J Thomashow	Citizen of: _		
Inventor one: LINDA S. THOMASHOW Signature: LINDA S. THOMASHOW Inventor two: SHANNON M. DELANEY			
Inventor one: LINDA S. THOMASHOW Signature: Linda J Thomashow Inventor two: SHANNON M. DELANEY Signature:		US	
Inventor one: LINDA S. THOMASHOW Signature: Jinda J Jhanashaw Inventor two: SHANNON M. DELANEY Signature: DMITRI V. MAVRODI	Citizen of: _	US	
Inventor one: LINDA S. THOMASHOW Signature: LINDA S. THOMASHOW Inventor two: SHANNON M. DELANEY Signature: DMITRI V. MAVRODI Signature: Signature: DMITRI V. MAVRODI	Citizen of: _	US RUSSIA	

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Attorney Docket No.	0229.99
First Inventor	Linda S. Thomashow et al.
Title	Sequences Encoding PhzO and Methods
Express Mail No. / Mailing Date	EF408136186US

As the below named inventor(s), I/we declare that:				
This declaration is directed to:	COPY			
[] The attached application, or				
[X] Application No. <u>09/965,175</u> ☐ as amended on	, filed on <u>September 27, 2001</u> , (if applicable);			
I/we believe that I/we am/are the original and first inventor which a patent is sought;	(s) of the subject matter which is claimed and for			
I/ we have reviewed and understand the contents of the at amended by any amendment specifically referred to above	pove-identified application, including the claims, as e;			
I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and				
All statements made herein of my/own knowledge are true belief are believed to be true, and further that these statem false statements and the like are punishable by fine or imp jeopardize the validity of the application or any patent issui	nents were made with the knowledge that willful risonment, or both, under 18 U.S.C. 1001, and may			
FULL NAME OF INVENTOR(S)				
Inventor one: LINDA S. THOMASHOW				
Signature:	Citizen of: US			
Inventor two: SHANNON M. DELANEY				
Signature: Sonnow, Solonos	Citizen of: US			
Inventor three:DMITRI V. MAVRODI				
Signature:	Citizen of: RUSSIA			
Inventor four: DAVID M. WELLER				
Signature:	Citizen of: US			
Additional inventors are being named on additional				

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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First Inventor	Linda S. Thomashow et al.
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Express Mail No. / Mailing Date	EF408136186US Dec. 13, 2001

As the below named inventor(s), I/we declare that:				
This declaration is directed to:				
[] The attached application, or				
[X] Application No. <u>09/965,175</u> , filed on <u>September 27, 2001</u> , ☐ as amended on (if applicable);				
I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;				
I/ we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;				
I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and				
All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.				
FULL NAME OF INVENTOR(S)				
Inventor one: LINDA S. THOMASHOW				
Signature: Citizen of:				
Inventor two: SHANNON M. DELANEY				
Signature: Citizen of:				
Inventor three:DMITRI V. MAVRODI				
Signature:				
Inventor four: DAVID M. WELLER				
Signature: Citizen of: US				
[] Additional inventors are being named on additional form(s) attached hereto.				

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

*Total of __4_

forms are submitted.

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			plication Number	1	5,175	4115-1-1
POWER OF ATTORNEY OR AUTHORIZATION OF AGENT	Fili	ng Date	09/27	09/27/2001		
	ATTODNEY OD	Fire	st Named Inventor	Linda	S. Thom	ashow et al.
	Title	e	Seque Method		ing PhzO and	
		Gro	oup Art Unit	1645		
		Exa	miner Name	Not y	et assigne	ed
		Atto	orney Docket Numb			
		Ехр	ress Mail No. / Date	e EF408	136186US	Dec. 13,2001
I hereby appoint: ■ Practitioners at OR □ Practitioner(s) n	Customer Number named below:	[25278			
	Name		Registr	ation Number	er]
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as my/our attorr business in the	ney(s) or agent(s) to prosecut United States Patent and Tra	te the	application ident ark Office connec	lified above, ted therewit	and to traith.	nsact all
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Address						
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Country						
Telephone		F	ax			
I am the: ☑ Applicant/Invent	or.					
☐ Assignee of reco	ord of the entire interest. See or 37 CFR 3.73(b) is enclosed	37 C I. (Fo	FR 3.71. rm PTO/SB/96).			
	SIGNATURE of App	olican	t or Assignee of F	Record	-	
Name	Linda S. Thomashow					
Signature	Gerenber 3	<u>MAL</u>	low		· ·-	
Date	December 3	20	01			
NOTE: Signatures of all Submit multiple forms if	the inventors or assignees of recommore than one signature is require	ord of ed, se	the entire interest or e below*.	r their represer	ntative(s) are	e required.

(Page 1 of 4)

09/965,175

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Application Number

		Filing Date 09/27/2001			
POWER OF ATTORNEY OR AUTHORIZATION OF AGENT		First Named Inventor	Linda S. Thomashow et al.		
		Title	Sequences Encoding PhzO and Methods		
		Group Art Unit	1645		
	•	Examiner Name	Not yet assigned		
		Attorney Docket Number	0229.99		
	.*	Express Mail No. / Date	EF408136186US Dec. 13, 2001		
I hereby appoint: Practitioners at	Customer Number				
OR □ Practitioner(s)	•	25278	COF		
	Name	Registration	Number		
					
as my/our attor	ney(s) or agent(s) to prosecut United States Patent and Tra	e the application identified demark Office connected to	above, and to transact all		
	correspondence address for the lationed Customer Number.	he above-identified applica	ation to:		
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Address					
City		State	Zip		
Country					
Telephone		Fax			
I am the: ☑ Applicant/Inventor. ☐ Assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).					
	SIGNATURE of App	licant or Assignee of Reco	rd		
Name	Shannon M. Delaney		·		
Signature	Shancox M.	Delaneix			
Date	November 26,				
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.					
	rms are submitted. (Page 2	•			

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

والمحرة المروبية

09/965,175

Please type a plus sign (+) inside this box PTO/SB/81 (10-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Application Number

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT		Filing Date		09/27/2001				
		ATTORNEY OR	First Named Inventor		Linda S. Thomashow et al.			
		Title		Sequences Encoding PhzO and Methods				
			Group Art Unit		it	1645		
		•	Exa	miner Na	ne		assigne	d
			Atto	rney Doc	ket Number	0229.99		
			Exp	ress Mail	No. / Date	EF408136	3186US ,	tec. 13,2001
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	nvent	or.						
		ord of the entire interest. See r 37 CFR 3.73(b) is enclosed			SR/96)			
		SIGNATURE of App				rd		
Name		Dmitri V. Mavrodi						
Signature			1/11	יאסגי			<u> </u>	·
Date		Uraiki v. r	11101					
		DMITRI V. A November 25						
NOTE: Signatures Submit multiple fo	of all	the inventors or assignees of recomore than one signature is require	ord of ed, se	the entire e below*.	interest or their	representa	tive(s) are	required.
□ *Total of _4_	for	ms are submitted. (Page 3	3 of	4)				·

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09/965,175

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Application Number

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT		Filing C	ate	09/27/2001	
		First Named Inventor		Linda S. Thomashow et al.	
		Title		Sequences Encoding PhzO and Methods	
	•	Group	Art Unit	1645	
	·	Examin	er Name	Not yet assigne	d
		Attorne	y Docket Number	0229.99	
		Expres	Mail No. / Date	EF408136186US	Dec. 13,2001
I hereby appo					
PractitionOR	ers at Customer Number		25270		$ \sim $
	er(s) named below:		25278		
	Name		Registration	Number]
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as my/our business i	attorney(s) or agent(s) to prosecut n the United States Patent and Tra	te the ap	plication identified Office connected t	above, and to tran	sact all
	e the correspondence address for t				
	e-mentioned Customer Number.	ne abov	o racritimed applica	dion to.	
□Firm <i>or</i> Individual Name		·	40		
Address					
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Country					
Telephone		Fax			
l am the:	-				
Applicant/I	inventor.				
□ Assignee	of record of the entire interest. See	37 CFR	3.71.		
Statement	under 37 CFR 3.73(b) is enclosed	. (Form I	PTO/SB/96).		
	SIGNATURE of App	licant or	Assignee of Reco	rd	
Name	David M. Weller				_
Signature	David	n.0	Veller		
Date	David or December 3	3,20	01		
IOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.					
□ *Total of <u>4</u>	forms are submitted. (Page 4	of 4)			

A . M. Same.



DECEMBER 14, 2001

USDA-ARS-OTT MARGARET A. CONNOR 800 BUCHANAN ST. ALBANY, CA 94710

UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

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RECORDATION DATE: 12/13/2001

REEL/FRAME: 012234/0389

NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

THOMASHOW, LINDA S.

DOC DATE: 12/03/2001

ASSIGNOR:

WELLER, DAVID M.

DOC DATE: 12/03/2001

ASSIGNEE:

AGRICULTURE, UNITED STATES OF AMERICA, AS REPRESENTED BY THE SECRETARY OF, THE WASHINGTON, D.C. 20250-1400

SERIAL NUMBER: 09965175 PATENT NUMBER:

FILING DATE: 09/27/2001

ISSUE DATE:

PAULA MCCRAY, EXAMINER ASSIGNMENT DIVISION OFFICE OF PUBLIC RECORDS

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Committee of the Commit

12/14/01 3:33 PAGE 3/3

RightFAX

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p.2

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Facsimile No. 703-306-5995, on December 13, 2001.

Margaret A. Connor
Typed Name of Person Signing this Certificate

RECORDATION COVER SHEET PATENTS ONLY To The Honorable Commissioner of Patents and Trademarks: Please record the ettached original documents or copy thereof:				
Name of conveying party(ies): 2. Name and address of receiving party(ies)				
Linda S. Thomashow David M. Weller	Name: The United States of America, as represented			
Additional name(s) of conveying party(les) attached? [] Yes [X] No	by the Secretary of Agriculture			
3. Nature of Conveyance:	City: Washington, D.C. Zip: 20250-1400			
[X Assignment [] Merger [] Security Agreement [] Change of Name [] Other Execution Date: December 3, 2001	Additional name(s) & address(es) attached? [] Yes [X] No			
Application number(s) or patent number(s):				
If this document is being filed together with a new application, the execution date of the application is:				
A. Patent Application No.(s) 09/965,175 Filed 09/27/2	001 B. Patent No.			
Additional numbers attached? [Yes [X]No			
Name and address of party to whom correspondence concerning document should be mailed:	6. Total number of applications and patents involved: [1]			
Name: Margaret A. Connor, Patent Attorney 7. Total Fee (37 CFR 3.41) \$ 40.00				
Internal Address: USDA-ARS-OTT [] Enclosed [X] Authorized to be charged to Deposit Account				
Street Address: 800 Buchanan St. City: Albany State: CA Zip: 94710	8. Deposit Account Number: 23-1058			
DO NOT USE THIS SPACE				
9. Statement and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.				
Margaret A. Connor Name of Person Signing Total number of pages comprising cover st				



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I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Facsimile No. 703-306-5995, on December 13, 2001.

Docket No.: 0229.99

Margaret A. Connor

Typed Name of Person Signing this Certificate

Margaret Connor
Jagnature

Patent

ASSIGNMENT

WHEREAS, WE, LINDA S. THOMASHOW and DAVID M. WELLER, both residing at Pullman, Washington, having jointly made an invention entitled SEQUENCES ENCODING PHZO AND METHODS with Shannon M. Delaney and Dmitri V. Mavrodi, for which we have made application for Letters Patent of the United States, Serial No. 09/965,175, filed September 27, 2001; and

WHEREAS, the WORLDWIDE patent rights in our share said invention are assignable to the United States by virtue of our having made the invention while in the employ of the United States Department of Agriculture under applicable law and regulations of the United States Department of Agriculture which render the patent rights so assignable; and

WHEREAS, the United States, as represented by the Secretary of Agriculture, is desirous of acquiring an assignment of said patent rights;

NOW, THEREFORE, in consideration of these premises, we hereby assign said WORLDWIDE patent rights to the United States of America, as represented by the Secretary of Agriculture.

Executed <u>December</u> 3, 2001

LINDA S. THOMASHOW

Executed December 3, 2001

DAVID M. WELLER

COPY



AUGUST 01, 2002

PTAS

MARGARET A. CONNOR, PATENT ATTORNEY 800 BUCHANAN ST. USDA-ARS-OTT ALBANY, CA 94710

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Chief Information Officer Washington, DC 20231 www.uspto.gov



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RECORDATION DATE: 05/29/2002

REEL/FRAME: 012942/0039

NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

DELANEY, SHANNON M.

DOC DATE: 05/03/2002

ASSIGNOR:

MAVRODI, DMITRI V.

DOC DATE: 04/30/2002

ASSIGNEE:

WASHINGTON STATE UNIVERSITY RESEARCH FOUNDATION 1610 N.E. EASTGATE BLVD. PULLMAN, WASHINGTON 99163

SERIAL NUMBER: 09965175

PATENT NUMBER:

FILING DATE: 09/27/2001

ISSUE DATE:

MARCUS KIRK, EXAMINER ASSIGNMENT DIVISION OFFICE OF PUBLIC RECORDS



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Margaret A. Connor

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Margaret Connor
(Signature of Derson Mailing Paper or Fee)

06-05-2002

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Name of conveying party(ies):	Name and address of receiving party(ies)
Shannon M. Delaney Dmitri V. Mavrodi 5-29-52	Name: Washington State University Research
	_ Foundation
Additional name(s) of conveying party(ies) attached? [] Yes [X] No 3. Nature of Conveyance:	Street Address: 1610 N.E. Eastgate Blvd.
[X] Assignment	City/State: Pullman, Washington Zip: 99163 Additional name(s) & address(es) attached? [] Yes [X] No
Execution Date: May 3, 2002 and April 30, 2002	Additional manife(s) a additios(es) attached: [] Tes [X] No
4. Application number(s) or patent number(s):	·
If this document is being filed together with a new application	, the execution date of the application is:
A. Patent Application No.(s) 09/965,175 Filed	September 27, 2001 B. Patent No.
Additional numbers attached? [Yes [X]No
5. Name and address of party to whom correspondence concerning document should be mailed:	6. Total number of applications and patents involved: [1]
Name: Margaret A. Connor, Patent Attorney	7. Total Fee (37 CFR 3.41) \$ 40.00
Internal Address: <u>USDA-ARS-OTT</u>	[X] Enclosed (WSURF Check # 2841)
	[] Authorize to be charged to Deposit Account
Street Address: 800 Buchanan St.	
City: Albany State: CA Zip: 94710	8. Deposit Account Number:
DO NOT USE	THIS SPACE
6/94/2002 TDIAZ1 00000194 09965175	
1 C:581 40.00 OF	
	•
9. Statement and signature.	
To the best of my knowledge and befief, the foregoing information is true an	d correct and any attached copy is a true copy of the original document.
M_{\star} +	
Margaret A. Connor // Outgoirel Name of Person Signing Signing	May 29, 2002 Date Date
Total number of pages comprising cover s	

ASSIGNMENT

WHEREAS, we, SHANNON M. DELANEY, of Schiller Park, County of Cook, State of Illinois, and DMITRI V. MAVRODI, of Pullman, County of Whitman, State of Washington, have invented a certain invention, entitled SEQUENCES ENCODING PHZO AND METHODS, for which we made a utility application for Letters Patent of the United States, said application having been filed on September 27, 2001, as Application No. 09/965,175; and

WHEREAS, WASHINGTON STATE UNIVERSITY RESEARCH FOUNDATION, a corporation organized under the laws of the State of Washington, having a place of business at 1610 N.E. Eastgate Blvd., Pullman, WA 99163, desires to acquire an interest therein:

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, we, SHANNON M. DELANEY and DMITRI V. MAVRODI, hereby sell, assign and transfer to WASHINGTON STATE UNIVERSITY RESEARCH FOUNDATION, our full and exclusive right, title and interest in and to said invention, patent application and patent rights throughout the world, including foreign patent priority rights, the right to file and prosecute International Applications under the Patent Cooperation Treaty, and the right to file and prosecute applications under the European Patent Convention; said invention, application and letters patent in this or any foreign country, and all divisions, continuations, reissues and extensions thereof, to be held and enjoyed by WASHINGTON STATE UNIVERSITY RESEARCH FOUNDATION, for its own use and benefit, and for its successors and assigns to the full end of the term for which letters patent may be granted in this or any foreign country, as fully and entirely as the same would have been held by me had this assignment and sale not been made, and covenant that we have full right so to do, and agree that we will communicate to WASHINGTON STATE UNIVERSITY RESEARCH FOUNDATION, or its successors and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths, and do everything possible to aid WASHINGTON STATE

4/19/2002 WSURF Case No.

UNIVERSITY RESEARCH FOUNDATION, its successors and assigns to obtain and enforce proper patent protection for said invention in this or any foreign country.

Executed at the place and date opposite our respective signatures below.

At CHICAGO, TLLINOIS (City and State)	SHANNON M. DELANER
on this <u>3</u> day of <u>May</u> , 2002.	"OFFICIAL SEAL"
STATE OF ILLINOIS) ss.	Michael S. Ferren Notary Public, See of Winois My Commission Experience 2, 2004.
COUNTY OF COOK)	A CONTRACTOR OF THE PROPERTY O

This Aday of May, 2002, before me personally came the above-named SHANNON M. DELANEY, who executed the foregoing instrument in my presence, and who acknowledged to me that she executed the same of her own free will for the purposes set forth therein.

Notary Public for State of

My Commission Expires:

[SEAL]

Donitri Marredi

At Pulman Washington

on this 30 day of April, 2002.

STATE OF WASHINGTON)

SS.

COUNTY OF WHITMAN

This day of April, 2002, before me personally came the above-named DMITRI V. MAVRODI, who executed the foregoing instrument in my presence, and who acknowledged to me that he executed the same of his own free will for the purposes set forth therein.

STEVANNA TO STEEL STATE OF STA

Notary Public for State of <u>Laski nator</u> My Commission Expires: <u>12-9-2008</u>

Sheyanna K. Weber

COPY

Appl. No. 09/965,175 Attachment to Amendment Reply to Office Action of July 29, 2003

PATENT

Certificate of Mailing by Express Mail Express Mail No.: EF 246209175 US Date of Deposit: October 29, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Depositor's Name: Margaret A. Connor

Depositor's Signature: Margaret A. Connos

Appl. No.

09/965,175

Confirmation No. 3943

Applicant

Linda S. Thomashow et al.

Filed

September 27, 2001

TC/A.U.

1652

Examiner

Charles L. Patterson Jr.

Docket No.

0229.99

Customer No.

25278

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

DECLARATION OF DEPOSIT OF BIOLOGICAL MATERIAL IN ACCORDANCE WITH 35 U.S.C. 112

Linda S. Thomashow declares as follows:

She is a joint inventor with Shannon M. Delaney, Dmitri Mavrodi, and David M. Weller of the subject matter described and claimed in the above-identified application. Statement of Deposit

Plasmids identified below were introduced into the designated host strains and the transformed strains were deposited under terms of the Budapest Treaty with Agricultural Research Service Culture Collection (NRRL) National Center for Agricultural Utilization Research, Agricultural Research Service, U.S. Department of Agriculture, 1815 North University Street, Peoria, Illinois 61604 USA on the date listed and given the following accession numbers:

<u>Host</u>	<u>Plasmid</u>	Accession No.	Date of Deposit
E. coli JM109	pUC2.9XP, clone 12	NRRL B-30341	10/06/2000
E. coli JM109	pUC2.9XP, clone 16	NRRL B-30342	10/06/2000
P. fluorescens 2-79	pUC2.9XP, clone 12	NRRL B-30343	10/06/2000
P. fluorescens 2-79	pUC2.9XP, clone 12	NRRL B-30344	10/06/2000
E. coli JM 109	pGEM-PHZO	NRRL B-30345	10/11/2000
E. coli JM109	pGEM-PHZO	NRRL B-30346	10/11/2000

The depository affords permanence of the deposits and ready accessibility thereto by the public if a patent is granted, under conditions which assure (a) that access to the cultures will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 CFR 1.14 and 35 U.S.C. 122, and (b) that all restrictions, if any, on the availability to the public of the cultures so deposited will be irrevocably removed upon the granting of a patent. Copies of the NRRL deposit receipts and viability statements are attached.

The undersigned declares further that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Executed Optober 27, 2003

LINDA S. THOMASHOW

Enclosures:

NRRL Budapest Treaty Deposit Receipts NRRL Budapest Treaty Viability Statements and the second of the second o

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES

INTERNATIONAL FORM

TO
USDA, ARS
Lab 36 Johnson Hall
Washington State University
Pullman, WA 99164-6430

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page

NAME AND ADDRESS OF DEPOSITOR

OF DEPOSITOR	
I. IDENTIFICATION OF THE MICROORGANISH	
Identification reference given by the DEPOSITOR:	Accession number given by the INTERNATIONAL DEPOSITANT RUTHORITY:
Bucherichia coli JK109p2.9xP-12	NRRL B-30341
II. SCIENTIFIC DESCRIPTION AND/OR PROPOS	ED TAXOHOMIC DESIGNATION
The microorganism identified under I. abov	e was accompanied by:
a scientific description	·
a proposed taxonomic designation	
(Mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority ac above, which was received by it on October	cepts the microorganism identified under I. 6, 2000(date of the original deposit)1
IV. RECEIPT OF REQUEST FOR CONVERSION	
to convert the original deposit to a depos	a was received by this International (data of the original daposit) and a request it under the Budapest Treaty was received by of request for conversion).
v. International depositary authority	
Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):
Address: 1815 N. University Street Peoris, Illinois 61604 U.S.A.	Date: 10-24-00

¹ Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired.

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BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES

INTERNATIONAL FORM

TO USDA, ARS Lab 36 Johnson Hall Washington State University Pullman, WA 99164-6430

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page

NAME AND ADDRESS OF DEPOSITOR

Providence and a second of the contract of the

5093357674

OF DEPOSITOR			
I. IDENTIFICATION OF THE MICROORGANISM			
Identification reference given by the DEPOSITOR:	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY:		
Escherichia coli JM109p2.9xP-16	NRRL B-30342		
II. SCIENTIFIC DESCRIPTION AND/OR PROPOS	ED TAXONOMIC DESIGNATION		
The microorganism identified under I. abov			
a scientific description			
a proposed taxonomic designation			
(Mark with a cross where applicable)			
III. RECEIPT AND ACCEPTANCE			
This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on October 6, 2000(date of the original deposit)			
IV. RECEIPT OF REQUEST FOR CONVERSION			
The microorganism identified under I. above was received by this International Depositary Authority on (date of the original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request for conversion).			
V. INTERNATIONAL DEPOSITARY AUTHORITY			
Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):		
Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Date: 10-24-00		

Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired.

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BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES

INTERNATIONAL FORM

TO
USDA, RRS
Lab 36 Johnson Hall
Washington State University
Pullman, WA 99164-6430

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page

NAME AND ADDRESS

ession number given by the ERNATIONAL DEPOSITARY AUTHORITY:
L B-30343
AXONOMIC DESIGNATION
s accompanied by:
·
s the microorganism identified under I. 2000(date of the original deposit) ¹
s received by this International s of the original deposit) and a request nder the Budapest Treaty was received by equest for conversion).
nature(s) of person(s) having the power represent the International Depositary hority or of authorized official(s):
10-24-00

Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired.

Commence of the Contract of th

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES

INTERNATIONAL FORM

TO
USDA, ARS
Lab 36 Johnson Hall
Washington State University
Pullman, WA 99164-6430

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page

NAME AND ADDRESS OF DEPOSITOR

OF DEPOSITOR			
I. IDENTIFICATION OF THE MICROORGANISM			1
Identification reference given by the DEPOSITOR: Pseudomonas fluorescens 2-79p2.9xP-	Accession number quinternational DEPO	iven by the SUTARY AUTHORITY:	
12(2)			* :
II. SCIENTIFIC DESCRIPTION AND/OR PROPO	SED TAXONOMIC DESIGNA	ATION	
The microorganism identified under I. about			
a scientific description	•		
a proposed taxonomic designation			
(Mark with a cross where applicable)			
III. RECEIPT AND ACCEPTANCE		·	
This International Depositary Authority ac above, which was received by it on October	cespts the microorgan 6, 2000(date of the	ism identified under I. original deposit) ¹	
IV. RECEIPT OF REQUEST FOR CONVERSION			
The microorganism identified under I. above Depositary Authority on to convert the original deposit to a depos	【四张电池:"这是一本与二、一心心心心之二。	deposit) and a request	
V. INTERNATIONAL DEPOSITARY AUTHORITY			
Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority	to represent the In	son(s) having the power carnational Depositary porized official(s):	
Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Date: [o.	24.00	
1			

Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired.

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES

INTERNATIONAL FORM

TO
USDA, ARS
Lab 36 Johnson Hall
Washington State University
Pullman, WA 99164-6430

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT 168Ued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page

NAME AND ADDRESS OF DEPOSITOR

Total Acceptance and a

OF DEPOSITOR			
I. IDENTIFICATION OF THE MICROORGANISM			
Identification reference given by the DEPOSITOR:	Accession number gi	ven by the ITARY AUTHORITY:	
Escherichia coli JM109(pGEM-PH20)	NRRL 8-30345		engant Proper
II. SCIENTIFIC DESCRIPTION AND/OR PROPOS	ED TAXONOMIC DESIGNA	TION	
The microorganism identified under I. abov	re was accompanied by		
a scientific description			; ;
a proposed taxonomic designation	•		
(Mark with a cross where applicable)	· · · · · · · · · · · · · · · · · · ·		
III. RECEIPT AND ACCEPTANCE			
This International Depositary Authority ac above, which was received by it on October	cepts the microorgan 11, 2000(date of th	ism identified under I. a original deposit) ¹	
IV. RECEIPT OF REQUEST FOR CONVERSION			
The microorganism identified under I. abov Depositary Authority on to convert the original deposit to a Capoc	(date of the original	deposit) and a request	inger:
V. INTERNATIONAL DEPOSITARY AUTHORITY			
Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority	to represent the In	son(s) having the power cernational Depositary norized official(s):	
Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Date:	10-24-00	
•			

Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired.

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGAMISHS FOR THE PURPOSE OF PATENT PROCEDURES

INTERNATIONAL FORM

TO
USDA, ARS
Lab 36 Johnson Hall
Washington State University
Pullman, WA 99164-6430

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page

NAME AND ADDRESS

 $J = \{a_{i,j} \mid \mathbf{h}_{i,j} \in \mathbf{Sum}_{i,j}, a_{i,j} = a_{i,j}\}$

OF DEPOSITOR	
I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DBPOSITOR: Bacherichia coli JM109(pGEM-PH20(2))	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: NRRL B-30346
II. SCIENTIFIC DESCRIPTION AND/OR PROPOS	ED TAXONOMIC DESIGNATION
The microorganism identified under I. abov	
a scientific description	
a proposed taxonomic designation	
(Mark with a cross where applicable)	·
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority ac above, which was received by it on October	cepts the microorganism identified under I. 11, 2000(date of the original deposit)1
IV. RECEIPT OF REQUEST FOR CONVERSION	
to convert the criginal deposit to a depos	e was received by this International (date of the original deposit) and a request it under the Budapest Treaty was received by of request for conversion).
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):
Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Date: 10-24-00
1 Where Pule 6 4141 and the such and the	

Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired.

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BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES

INTERNATIONAL FORM

TO

USDA, ARS Lab 36 Johnson Hall Washington State University Pullman, WA 99164-6430

YIABILITY STATEMENT

issued pursuant to Rule 10.2 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page

NAME AND ADDRESS OF THE PARTY TO WHOM THE VIABILITY STATEMENT IS ISSUED

I. DEPOS	ITOR	II. IDENTIFICATION	OF THE MICROORGANISM
Name: Address:	USDA, ARS Lab 36 Johnson Hall Washington State University Pullman, WA 99164-6430	Depositor's taxonom accession number gi INTERNATIONAL DEPOS Escherichia coli Date of: October 6 X 2 Original Depos 1 New Deposit	ic designation and ven by the ITARY AUTHORITY: #82L_B-20341
		2 Repropagation	of Original Deposit
III. (a)	VIABILITY STATEMENT		
	onal Depositary Authority's prep	İ	
III. (b)	DEPOSITOR'S EQUIVALENCY DECLAR	ATION	
Depositor	determined the International De	positary Authority's	preparation was
	valent : Not equivalent to do		
	of Depositor Lunes 355		
IY. (CORP)	STONE ONDER MITTEL LIE ALVRITILA	TEST WAS PERFORMED (lepositors/Dépositary)
V. INTE	RNATIONAL DEPOSITARY AUTHORITY		electric de la constant de la consta
Co Inte	Cultural Research Culture Disction (NRRL) Trational Depositary Authority	Signature(s) of person to represent the Int. Authority or of authority	on(s) having the power sernational Depositary orized official(s):
Address: 1	815 N. University Street Boria, Illinois 61604 U.S.A.	Date:	o. 24.00

Indicate the date of the original deposit or when a new deposit has been made.

Mark with a cross the applicable box.
In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent visbility test. Fill in it the information has been requested.

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES

INTERNATIONAL FORM

TO

YIABILITY STATEMENT

USDA; ARE Lab 36 Johnson Hall Washington State University Pullman, WA 99164-6430

issued pursuant to Rule 10.2 by the INTERNATIONAL DEPOSETARY AUTEORITY identified at the bottom of this page

NAME AND ADDRESS OF THE PARTY TO WHOM THE VIARILITY STATEMENT IS ISSUED

I. DEPOS	ITOR	II. IDENTIFICATION	OF THE MICROORGANISM
Address:	USDA, ARS: Lab 36 Johnson Hall Washington State University Pullman, WA 99164-6430	Date of: October (2 Original Deposit	HERE H-30342
III. (a)	VIABILITY STATEMENT		
1	as found: X Viable Nonvis		
III. (b)	DEPOSITOR'S EQUIVALENCY DECLAR	ATION	
Depositor	determined the International De	positary Authority's	preparation was
Equi Signature	of Depositor Kinda In	mashow	16, 2000 (Date)
IV. COND	ITIONS UNDER WHICH THE VIABILITY	TEST WAS PERFORMED	Depositors/Depositary)
			·
V. INT	ERNATIONAL DEPOSITARY AUTHORITY		
, c	icultural Research Culture ollection (NARL) ernational Depositary Authority	to represent the I	rson(s) having the power nternational Depositary thorized official(s):
	1815 N. University Street Peoris, Illinois 61604 U.S.A.	Dates	10-24-00

Indicate the date of the original deposit or when a new deposit has been made.

Mark with a cross the applicable box.

In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

^{*} Fill in if the information has been requested.

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES

INTERNATIONAL FORM

VIABILITY STATEMENT USDA, ARS Lab 36 Johnson Hall Washington State University Pullman, WA 99164-6430

issued pursuant to Rule 10.2 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page

NAME AND ADDRESS OF THE PARTY TO WHOM THE VIABILITY STATEMENT

	THE STATEMENT IS 1830ED		·
I. DEPO	SITOR	II. IDENTIFICATION	OF THE MICROORGANISM
Name:	USDA, ARS Lab 36 Johnson Hall Washington State University Fulinan, WA 59164-6430	Depositor's taxonom accession number gi	ic designation and
		Date of: October 6 X 'Original Depos 2 New Deposit 2 Repropagation	, 2000 it of Original Deposit
III. (a)	VIABILITY STATEMENT		
Internati	onal Depositary Authority's pra	paration was found via	ole on October 23, 2000(Date)
	DEPOSITOR'S EQUIVALENCY DECLA		
X 2 Equiv	determined the International Devalent Di Not equivalent to co	deposit on Dovember	16, 2000 (Date)
EV. COND	TIONS UNDER WHICH THE VIABILITY	TEST WAS PERFORMED (D	spositors/Dapositary)
V. INTE	RNATIONAL DEPOSITARY AUTHORITY		
Co Inte	cultural Research Culture llection (NRRL) rnational Depositary Authority	Signature(s) of paractor represent the International Authority or of authority	on(s) having the power ernational Depositary origed official(s):
P	815 N. University Street Soria, Illinois 61604 U.S.A.	Date:	bray y 10-24-æ
Indicate the	date of the original deposit or when a n	new deposit has been made.	1-24-00

Mark with a cross the applicable box.

In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test. Fill in if the information has been requested.

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES

INTERNATIONAL FORM

TO

VIABILITY STATEMENT

USDA, ARS Lab 36 Johnson Hall Washington State University Pullman, WA 99164-6430

issued pursuant to Rule 10.2 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page

NAME	AND	ADDRI	253	OF	THE	PARTY	TO	WHOM
THE	VIAB	T.TTY	8TI	φp)	(PMA	70 70	31170	*****

Name: USDA, ARS Lab 36 Johnson Hall Address: Washington State University Pullman, MA 98164-6430 Depositor's taxonomic designation an accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: Pseudomonas floorymans Part = JO3 Date of: October 6, 2000 X 'Original Deposit 'Repropagation of Original Deposit III. (a) VIABILITY STATEMENT Deposit was found: X Viable Nonviable on October 7, 2000 (Date) International Depositary Authority's preparation was found viable on October 23, 20 III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION Depositor determined the International Depositary Authority's preparation was	d tt
Name: USDA, ARS Lab 36 Johnson Hall Address: Washington State University Pullman, WA 95164-6430 Depositor's taxonomic designation an accession number given by the INTERMATIONAL DEPOSITARY AUTHORITY: Pseudomonas Floarescans Date of: October 6, 2000 Pseudomonas Floarescans PREU 3-303 Date of: October 6, 2000 Pseudomonas Floarescans Preudomonas Floarescans FIRST 3-303 Deposit was found: X Viable Nonviable on October 7, 2000 (Date) International Depositary Authority's preparation was found viable on October 23, 20 III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION	d tt
III. (a) VIABILITY STATEMENT Deposit was found: X Viable Nonviable on October 7, 2000 (Date) International Depositary Authority's preparation was found viable on October 23, 20 III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION	
Deposit was found: X Viable	GO (Date)
International Depositary Authority's preparation was found viable on October 23, 20 III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION	00 (Daze) 3
III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION Depositor determined the International Depositary Authority's preparation was	
Depositor determined the International Depositary Authority's preparation was	
Signature of Depositor Audal Hamas Law	ate)
IV. COMDITIONS UNDER WHICH THE VIABILITY TEST WAS PERFORMED (Depositors/Deposit	ery).
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Signature(s) of person(s) having the properties of the International Deposit Authority or of authorized official(s)	tarv
Peoria, Illinois 61604 U.S.A. Date:	

¹ Indicate the date of the original deposit or when a new deposit has been made.
2 Mark with a cross the applicable box.

In the cases referred to in Rule 10.2(a) (ii) and (iii), refer to the most recent viability test. Fill in if the information has been requested.

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES

INTERNATIONAL FORM

TO

USDA, ARS
Lab 36 Johnson Hall
Washington State University
Pullman, WA 99164-6430

YLABILITY STATEMENT

issued pursuant to Rule 10.2 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page

NAME AND ADDRESS OF THE PARTY TO WHOM THE VIABILITY STATEMENT IS ISSUED

THE VIABILITY STATEMENT IS ISSUED	
I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name: USDA, ARS Lab 36 Johnson Hall Address: Washington State University Pullman, WA 99164-6430	Depositor's taxonomic designation and accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: Escherichia coli NRRL B-30345
	Date of: October 11, 2600 2 Original Deposit 2 New Deposit 2 Repropagation of Original Deposit
III. (a) VIABILITY STATEMENT	
Deposit was found: Viable Nonvia	paration was found viable on October 23, 2000(Date)
III. (b) DEPOSITOR'S EQUIVALENCY DECLAR	ATION
Depositor determined the International De 2 Equivalent 1 Not equivalent to d Signature of Depositor 1	eposit on November 16, 2000 (Date)
IV. CONDITIONS UNDER WHICH THE VIABILITY	TEST WAS PERFORMED (Depositors/Depository)
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):
Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Date: 10-24-00

 $^{^{\}rm t}$ Indicate the date of the original deposit or when a new deposit has been made. $^{\rm t}$ Mark with a cross the applicable box.

In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent visbility test. Fill in if the information has been requested.

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES

INTERNATIONAL FORM

TO

VIABILITY STATEMENT USDA, ARS Lab 36 Johnson Hall Washington State University

issued pursuant to Rule 10.2 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page

NAME AND ADDRESS OF THE PARTY TO WHOM

Pullman, WA 99164-6430

THE VIABILITY STATEMENT IS ISSUED	
I. DEFOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name: USDA, ARS Lab 36 Johnson Hall Address: Washington State University Pullman, WA 99164-6430	Depositor's taxonomic designation and accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: Escherichia coli NRRL B-30346
	Date of: October 11, 2000 Original Deposit Repropagation of Original Deposit Repropagation of Original Deposit
III. (a) VIABILITY STATEMENT	
Deposit was found: X Viable Nonvienternational Depositary Authority's pre	paration was found viable on October 23, 2000 (Date)
III. (b) DEPOSITOR'S EQUIVALENCY DECLA	RATION
Depositor determined the International Depositor determined the International Depositor 2 Not equivalent to a signature of Depositor 2 Not equivalent 3 Not equivalent 2 Not equivalent 3 Not equiva	deposit on November /6 2000 (note)
TV. CORDITIONS ONDER SERIES TO START TO	
	TIST KAS PERSONAL (**POSILORS/Bepositary)
V. INTERNATIONAL DEPOSITARY AUTHORITY	·
Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):
Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Date: 0-24-00

¹ Indicate the date of the original deposit or when a new deposit has been made.

Mark with a cross the applicable box.

In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.